



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT application of )  
Shunpei YAMAZAKI )  
Application No. 08/065,757 ) Group Art Unit: 1755  
Filed: May 24, 1993 ) Examiner: C. Bonner  
For: SUPERCONDUCTING )  
CERAMICS )

**REQUEST FOR LIMITED EXAMINATION  
AFTER FINAL REJECTION (37 CFR 1.129)**

Commissioner for Patents  
Washington, D.C. 20231

RECEIVED  
SEP 11 2001  
TC 1700

Sir:

In accordance with the provisions of 37 C.F.R. 1.129, it is requested that the references listed on the attached Form PTO-1449 filed simultaneously herewith be made of record and considered in the above-identified application. This filing is being submitted after a final rejection, but prior to the filing of an Appeal Brief and prior to abandonment of the application, as required.

In this regard, Applicant respectfully notes that the present application has been pending for at least two years as of June 8, 1995, and the claims were subject to a final rejection in the Office Action of January 10, 1994. On April 9, 1994, the Examiner suspended *ex parte* prosecution of the application for six months and then again on November 25, 1994 due to a possible interference. Prosecution remains

suspended presently. Although in the same communications regarding suspension all claims were deemed allowable, a Notice of Allowance has not been issued. Consequently, the subject application should be considered to continue to be subject to a final rejection under the transitional provisions of 37 C.F.R. 1.129, since there has been no further official action from the Patent Office to suggest otherwise. As a result, the instant suspension should not be considered sufficient under the rules to prevent Applicant from utilizing the provisions of Rule 129 to affect entry of the *Information Disclosure Statement* attached hereto. To hold otherwise would prevent Applicant from satisfying his duty of disclosure requirements during a suspension of over seven years without sacrificing the patent term rights afforded him under the provisions of Rule 129.

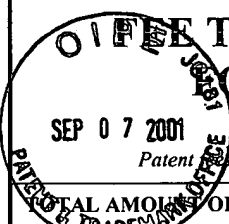
In view of the transitional provisions 37 C.F.R. 1.129, a submission fee set forth in 37 C.F.R. 1.17(r) is also enclosed as required.

Respectfully submitted,

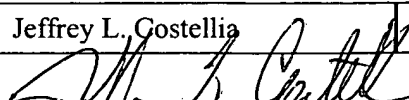
  
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		<i>Complete if Known</i>	
		Application Number	08/065,757
		Filing Date	May 24, 1993
		First Named Inventor	Shunpei YAMAZAKI
		Examiner Name	Carol Bonner
		Group Art Unit	1755
TOTAL AMOUNT OF PAYMENT		(\$ 710.00)	
Attorney Docket No.		0756-875	

<b>METHOD OF PAYMENT</b>				<b>FEE CALCULATION (continued)</b>																																																																																																																																																																																																			
1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to: Deposit Account Number: 19-2380 Deposit Account Name: Nixon Peabody LLP <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27				<b>3. ADDITIONAL FEES</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Entity Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English transaction</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>390</td><td>216</td><td>195</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>890</td><td>217</td><td>445</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>695</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - 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<b>SUBMITTED BY</b>		<i>Complete (if applicable)</i>	
Name (Print/Type)	Jeffrey L. Costellia	Registration No. (Attorney/Agent)	35,483
Signature		Telephone	(703) 790-9110
		Date	September 7, 2001